

From: David Gessel
To: Microsoft ATR
Date: 12/10/01 11:46am
Subject: Microsoft Settlement.

Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Dear Renata B. Hesse,

I am a concerned citizen, unwilling Microsoft customer forced to use their unpleasant products because of their unassailable monopoly, and a long time member of the computer industry.

I am writing to you to protest the terms of the Proposed Final Judgement, in specific the failure of this Judgement to address the pivotal role that the open software movement has played in the genesis of the Internet age, and it's legitimate ongoing contributions which are ignored by the Judgement's terms and will be harmed by the Judgement's execution.

To enumerate but three of thousands of valuable not for profit software development efforts which remain critical to the ongoing viability of the net and which will be harmed by the Proposed Final Judgement because they are beneficiaries of neither Section III(J)(2) under (c) as "meet[ing] reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..." nor under Section III(D) as the footnotes hold this section in force only to commercial concerns:

Apache is the Internet server that made the net possible. It is the most viable competitor to IIS, Microsoft's server architecture. Without Apache the net would grind to a halt. There is no commercial contender to IIS, the entire competitive landscape is between IIS and Apache and a few other open source servers. Since IIS is stunningly, almost fraudulently insecure, the Proposed Final Judgement weakens the Nation should it not aggressively protect the better engineered open source efforts from Microsoft's predatory tactics.

BSD, especially in it's most popular flavor freeBSD, and it's younger but bigger brother Linux present a real and viable challenge to Microsoft in the server market, are gaining in the workstation market, and would, if they could be made compatible with Microsoft's industry crushing "Office," be a viable contender on the desktop. These efforts are undertaken in that most American of spirits: for the good of all. They provide real alternatives to Microsoft; significant and meaningful improvements in performance and security to users who appreciate these things when compared to Microsoft's invariably flawed products, and competition which is perhaps Microsoft's only remaining motive for fixing it's failures. While major

security holes are exposed in IIS every month or so, despite Microsoft's efforts to sweep them under the rug, no security hole has been discovered in NetBSD in more than four years. These superior products are run without marketing and lobbying budgets and will be crushed by Microsoft which will endeavor to make them as incompatible as possible with their desktop monopoly (if their efforts to make them outright illegal fail).

This message will reach you through one or many servers running Sendmail. A near perfect application which relies on free and open standards established for the routing of electronic mail. Since Microsoft will be under no obligation to share standards with the not-for-profit organization that maintains Sendmail, it is quite certain that Microsoft will do whatever they can to force all Sendmail administrators to switch to an expensive, fault ridden Microsoft product, leveraging their monopoly on the desktop to do so unless the DOJ alters the Proposed Final Judgement to protect open source at least as effectively as it protects whatever pathetic vestiges of the commercial market still stand to challenge Microsoft's otherwise unassailable monopoly.

The Proposed Final Settlement fails utterly to address the critical role of the open source movement and is therefore utterly unacceptable to me as a harmed party.

Sincerely,

David Gessel

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